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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ramon Jacobo Garcia,

Petitioner,

v.

William Hutchings,

Respondent.

Case No.: 2:21-cv-01222-JAD-BNW

**Order Granting Application to Proceed
In Forma Pauperis and Dismissing Case**

[ECF Nos. 1, 1-3]

Nevada State Prisoner Ramon Jacobo Garcia brings this petition for federal habeas relief under 28 U.S.C. § 2254 to challenge his state-court conviction and sentence for numerous felony counts including two counts of first-degree kidnapping with the use of a deadly weapon.¹ Having reviewed this habeas petition under Rule 4 of the Rules Governing Section 2254, I find that it must be dismissed because it is an unauthorized successive petition. So, although I grant Garcia's request to proceed *in forma pauperis*, I dismiss this case and deny his motion for appointment of counsel.

Background

Garcia has been in prison in Nevada since 2001 with a projected release date in 2031.² This is not the first time that Garcia has sought federal habeas relief for the same sentence. His first habeas action in this court was filed in 2008 and challenged the same judgment of conviction.³ The court denied the petition in its entirety,⁴ and Garcia did not appeal.

¹ ECF No. 1.

² ECF No. 1-1 at 2.

³ *Garcia v. Neven*, No. 2:08-CV-00480-JCM, 2012 WL 115575 (D. Nev. Jan. 13, 2012).

⁴ *Id.*

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1 **Conclusion**

2 IT IS THEREFORE ORDERED that Garcia's motion for leave to proceed *in forma*
3 *pauperis* [ECF No. 1] is **GRANTED**.

4 IT IS FURTHER ORDERED the petition for writ of habeas corpus is **DISMISSED** with
5 prejudice and without leave to amend, and a certificate of appealability is denied because jurists
6 of reason would not find the court's dismissal of this action to be debatable or incorrect.

7 IT IS FURTHER ORDERED that Garcia's second motion for leave to proceed *in forma*
8 *pauperis* and motion for appointment of counsel [ECF Nos. 1-2 and 1-3] are **DENIED** as moot.

9 IT IS FURTHER ORDERED that the **Clerk of Court is directed to** FILE the petition
10 (ECF No. 1-1) and accompanying motions (ECF Nos. 1-2 and 1-3), ENTER JUDGMENT, and
11 CLOSE THIS CASE.

12 Dated: June 30, 2021

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14 U.S. District Judge Jennifer A. Dorsey
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